

CERTIFIED
MAY 03 2004
Rachel Burnham
MUNICIPAL CLERK

Entered 6-11-03 - sb
CL 03L0446 - GWENDOLYN BURNS

CLAIM OF: DINAMY GANTT
82 Little Street
Atlanta, Georgia 30315

04-R-0673

For vehicular damage allegedly sustained after driving over a pothole on April 5, 2003 at Humphries Street & 762 Metropolitan Parkway, SW.

THIS ADVERSED REPORT IS
APPROVED

BY:


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

CERTIFIED
MAY 03 2004
[Signature]
CITY PRESIDENT PROTEM

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 4/27/04

CHAIR: [Signature]

Hyl Shue
Mary Norwood
Carla Smith
Chela Norwood

ADVERSED

MAY 03 2004



CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

May 10, 2004

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30303
(404) 330-6033
FAX (404) 658-6273

Dinamy Gantt
82 Little Street
Atlanta, GA 30315

04-R-0673

Dear Ms. Gantt:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on December 01, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0882

Date: April 13, 2004

Claimant /Victim DINAMY GANTT
BY: (Atty) (Ins. Co.) _____
Address: 82 Little Street, Atlanta, Georgia 30315
Subrogation: _____ Claim for Property damage \$ 1,966.67 Bodily Injury \$ _____
Date of Notice: 5/30/03 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 _____ Ante Litem (6 Mo.) _____
Date of Occurrence 4/5/03 Place: Humpries Street @ 762 Metropolitan Parkway, SW
Department _____ Division: _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that she sustained vehicular damages when she drove over a pothole in an effort to avoid a flooded area in the road. However, an investigation determined that the pothole was located on private property and not in the public right-of-way area.

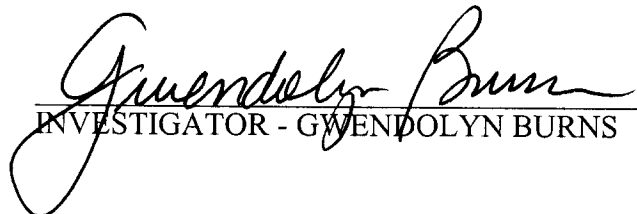
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures X Diagrams _____ Reports: Police _____ Dept Report _____ Other X
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

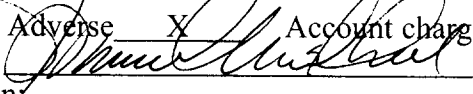
BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved X Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2PO1 _____ 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 04-14-03
Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, SW
Atlanta, Georgia 30335

RECEIVED

MAY 30 2003

RE: CLAIM FOR DAMAGES

Today's Date: 5/14/03

553
BURNS
06/09/03
a

Dear Municipal Clerk:

MUNICIPAL CLERK

ENTERED - 6-11-03 - DP
03L0446 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ \$1966.67 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: 4/5/03
(month/day/year)
2. Time of Incident: 11:00am
3. Police called: Yes ☒ No ☐
4. Location of incident (including street address): Humphries Street SW at the Associated Imports Corp Warehouse
5. Name of your insurance company: Progressive Auto Insurance Policy No. 36636149-003
6. State what and how incident occurred: It had been raining that morning and Humphries St. was flooded in front of the warehouse. I came from Ralph David Abernathy and made a left onto Humphries. Upon reaching the flooded area, I tried to go around by veering to the right. The hole/damaged pavement was on the right and that is where my car had to be removed. This caused the amount of damages stated above.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the vehicle registration).

Your vehicle: Volkswagen Jetta 2001 289WBL 050542285
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. Claims must be received within 6 months of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

[Signature]
Signature of Claimant

Dinamy Gantt
(Print Claimant's Name)

82 Little Street
(Address)

Atlanta, GA 30315
(City, State and Zip Code)

770-209-8080 404-223-3660
(Work Number) (Home Number)

04-R-0673